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19. The elevator system according to claim 18, wherein
said mounting brackets are positioned on opposite walls of hoistway.
 20. The elevator system according to claim 17, wherein
the elevator assembly comprises an elevator car and elevator ropes by which the
car is suspended, and
ends of the elevator ropes are suspended by the mounting brackets...

REMARKS

Applicants request reconsideration of the subject application in view of the foregoing amendments and following remarks.

Claims 1-20 are pending in the application, with claims 1, 11, 14 and 17 being independent. Claims 1 and 9 have been amended herein to further clarify that these claims define the invention in a manner that distinguishes over the prior art. Claims 14-20 are newly presented to provide a scope of protection commensurate with the disclosure. Support for the amendments can be found at, for example, page 3, lines 29-34, of the original specification.

The Office Action requires restriction to one of the following claim groups:

Group I, claims 1-10; and

Group II, claims 11-13.

Applicants respectfully traverse the restriction requirement.

In the Action, it is alleged that the claimed groups are distinct because the invention of Groups I and II are related as process and apparatus for its practice, and the process can be practiced without the ropes claimed in the apparatus claims. However, the amount of effort required by the Patent and Trademark Office would be lessened by permitting all of the claims presently in the application to be prosecuted in a single application. The alternative is to proceed with the filing of additional applications, consisting of the same disclosure, and being subjected to substantially the same search, perhaps by a different Examiner on a different occasion, with the resultant burden of the Patent and Trademark Office. Accordingly, it is respectfully requested

that the Examiner reconsider the restriction requirement and allow the claims presently in the application to be prosecuted in a single application.

Nevertheless, in order to comply with 37 CFR 1.143, Applicants provisionally confirm the election, with traverse, to prosecute the claims of Group I, namely claims 1-10.

Claim 9 stands rejected under 35 USC §112, second paragraph as allegedly being indefinite for lack of antecedent basis. Applicants submit that the foregoing amendment to claim 9 addresses the antecedence, and request withdrawal of the rejection.

Claims 1-10 stand rejected under 35 USC §102(b) as being anticipated by US Patent No. 3,395,777 (Rodosta). This rejection is respectfully traversed.

Claim 1 recites an elevator system that includes an elevator assembly disposed within a hoistway and suspended by elevator ropes having ends suspended with respect to a pair of rigid structures. A compression member is positioned between the rigid structures in such a manner so as to counter resultant forces applied to the rigid structures due to a vertical load.

Rodosta, on the other hand, relates to an automobile lift consisting of four vertical corner posts with a vehicle-supporting frame slidably connected to the posts. According to the Office Action, transverse tie rods 18-20 counter moment forces applied to the floor, which is equated to the claimed rigid structure. However, Rodosta does not disclose or suggest at least the features recited in claim 1 regarding an elevator assembly disposed within a hoistway or a compression member positioned between a pair of rigid structures (with respect to which elevator ropes ends are suspended) in such a manner so as to counter resultant forces applied to the rigid structures due to a vertical load.

Therefore, independent claim 1 patentably defines the invention over the cited art, and Applicants request withdrawal of the rejection under §102.

Newly added independent claim 14 also patentably defines the invention over the cited art, which fails to disclose or suggest at least the recited features relating to an elevator assembly disposed within a hoistway, a pair of load bearing structures affixed

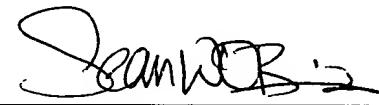
within the hoistway, and a compression member positioned in the recited manner. Similarly, newly added independent claim 17 patentably defines the invention over the cited art, which fails to disclose or suggest at least the recited features relating to an elevator assembly disposed within a hoistway, a pair of load bearing structures affixed within the hoistway, and a compression member positioned in the recited manner.

The dependent claims recite features in addition to those set forth in the various independent claims, and are submitted to be allowable for the foregoing reasons and in their own right. Further independent consideration of the dependent claims is requested.

Applicants submit the subject application to be in condition for allowance, and request a notice thereof.

Please charge any additional fees or credit overpayment to Deposit Account No. 15-0750, Order No. OT-4538.

Respectfully Submitted,



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Appln. No. 09/495359
Claim Sheet



Version Showing
Claim Amendments

1. (Amended) An elevator system comprising:
an elevator assembly disposed within a hoistway and suspended by elevator ropes having ends suspended with respect to a pair of rigid structures; and
a compression member positioned ~~with respect to~~ between said rigid structures in such a manner so as to counter resultant forces applied to said rigid structures due to a vertical load.

9. (Amended) An elevator system according to claim 1, wherein
said vertical load is attributable to said elevator ~~ear~~ assembly.

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